

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DOUGLAS SCOTT,

Defendant.

No. CR-09-0131-EFS

**ORDER DENYING WITH LEAVE TO RENEW
DEFENDANT'S MOTION TO MODIFY
CONDITIONS OF SUPERVISED RELEASE**

A hearing occurred in the above-captioned matter on February 6, 2013. Defendant James Douglas Scott was present, represented by counsel Joseph Nappi, Jr. and Kent Doll, Jr. Assistant U.S. Attorney Jill Bolton appeared on behalf of the U.S. Attorney's Office (USAO). U.S. Probation Officer P.J. Dennis was also present. Before the Court was Defendant's Motion to Modify Conditions of Supervised Release, ECF No. 603. At the hearing, the Court denied with leave to renew Defendant's motion. This Order memorializes and supplements the Court's oral ruling.

Defendant was convicted in 2011 on two counts of assaulting a federal employee. At the time of the assault, Mr. Scott was highly intoxicated and receiving treatment at the Spokane VA Medical Center ("VAMC"). While there, he assaulted two VAMC employees, causing them serious injuries. Mr. Scott completed his sentence of incarceration

1 and was released from federal custody in October 2012. As part of his
2 conditions of supervised release, he was barred from being within
3 1,000 feet of the victims' residence or place of employment.

4 Defendant seeks to modify this condition. He contends that he
5 must receive medication for his physical and mental conditions, which
6 requires a one-time personal appearance at the Spokane VAMC before the
7 VAMC will permit him to receive medication through postal mail.
8 Defendant claims that because he is required to visit a "secured" VA
9 facility, the next-closest facility he could visit is in Walla Walla,
10 Washington, more than 150 miles away.

11 The USAO opposes Defendant's motion. After speaking with the
12 assigned U.S. Probation Officer, the USAO contends that Defendant can
13 visit another non-VA facility in Spokane to receive free medical care.
14 The USAO has provided a declaration from one of Defendant's victims,
15 who still works at the VAMC and who expresses significant trepidation
16 about possibly encountering Defendant at that facility again.

17 Based on the record before it, the Court denies Defendant's
18 motion. Defendant is apparently eligible to receive free medical
19 treatment from a non-VA facility; furthermore, it became apparent
20 during the hearing that Defendant had not yet fully availed himself of
21 the opportunity to work with the VAMC's patient advocate to obtain a
22 waiver that would allow him to receive treatment at a Spokane-area
23 facility. If Defendant fully avails himself of these alternatives and
24 is unable to obtain relief, he is granted leave to renew his motion at
25 the appropriate time.

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1 Accordingly, **IT IS HEREBY ORDERED:** Defendant's Motion to Modify
2 Conditions of Supervised Release, **ECF No. 603**, is **DENIED WITH LEAVE TO**
3 **RENEW.**

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
5 Order and provide copies to all counsel.

6 **DATED** this 6th day of February 2013.

7
8 s/Edward F. Shea

 EDWARD F. SHEA
9 Senior United States District Judge

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ORDER DENYING WITH LEAVE TO RENEW DEFENDANT'S
MOTION TO MODIFY CONDITIONS OF SUPERVISED
RELEASE - 3